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In re Application of :
UEDA, Kimio :
Application No.: 09/297,774 :
PCT No.: PCT/US96/18339 : DECISION
Int. Filing Date: 08 November 1996 :
Priority Date: None :
Attorney Docket No.: JA-179 :
For: DISPOSABLE ABSORBENT ARTICLE :
HAVING SOFT-CLOTHLIKE BACKSHEET :
:

This decision is in response to applicants' "Response to Notification Regarding Defective Declaration" filed 12 May 2000.

BACKGROUND

On 08 November 1996, applicants filed the above-captioned international application, which claimed no priority date and designated the United States. The international application named Kimio Ueda as an inventor. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 08 May 1999.

On 07 May 1999, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee of \$670 and extra claims fee of \$44, and a declaration naming as inventors and signed by Kimio Ueda and Jie Tao.

On 09 January 2000, the PCT Legal Office mailed a "Notification of Defective Declaration and Requirement for New Declaration of Petition under 37 CFR 1.48(a)" indication that declaration filed on 07 May 1999 was defective because Jie Tao was not named in the international application.

On 12 May 2000, applicant filed "Response to Notification Regarding Defective Declaration" accompanied by: a copy of "Request for the Recording of a Change Issued under Rule 92 bis.1;" a copy of a continuation sheet of the PCT Request (Form PCT/RO/101); a copy of "Patent Cooperation Treaty Power of Attorney"; and postcard receipt dated 07 August 1997 showing the above listed items were filed in the United States Patent and Trademark Office on 07 August 1997.

DISCUSSION

In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a request under 37 CFR 1.497(d) or a showing that a 92bis change was made prior to the National stage filing is required. A review of the papers filed 12 May 2000 reveal that the "Request for the Recording of a Change Issued under Rule 92 bis.1" has been filed indicating that Jie Tao has been added as an applicant/inventor prior to entering into the national stage in the United States of America.

CONCLUSION

A review of the application papers reveals that applicant completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 08 November 1996 and a date of **07 May 1999** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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